

REMARKS/ARGUMENTS

The Office action mailed on March 4, 2005 has been carefully reviewed and the above identified amendments have been provided to thoroughly address each of the objections and rejections provided by the examiner in that Office action. In addition, the following remarks are submitted to clarify and explain the importance of the above amendments and to support a finding by the examiner that the claims, as amended, are now in a form warranting allowance of this case. Accordingly, the undersigned respectfully requests reconsideration by the examiner in this case.

Specifically, and considering the examiner's objections and rejections in order of their presentation in the above-identified Office action, applicant has addressed these objections and rejections as follows. The examiner had objected to the drawings under 37 C.F.R. §1.83(a) for failing to show every feature of the invention specified in the claims. The examiner particularly identified features claimed in claims 1 and 3 as not being adequately shown in the drawings. Applicant has amended claim 1 to eliminate the requirement that the attractant dispensing mechanism be "adjacent to" said entrance structure. Claim 1 now requires that the attractant dispensing mechanism be "located on said interior side of said entrance structure." This amendment to claim 1 puts claim 1 in a form which matches that of figure 9, such that no amendment to the drawings is required. With regard to the antimicrobial agent of claim 3, applicant has canceled claim 3. Accordingly, with these claim amendments applicant respectfully submits that the drawings now show all of the features of the invention specified in the claims.

The examiner had objected to claim 6 for an informality in line 3. Claim 6 has been amended at line 3 replacing the phrase "the insects' exit" with the phrase "exit of the insects." Accordingly, claim 6 should now be in a form overcoming this objection.

The examiner had rejected claim 9 under 35 U.S.C. §112, first paragraph, for failing to be enabled by the specification. Applicant has canceled claim 9 to address this rejection.

The examiner had further rejected the claims under 35 U.S.C. §§102 and 103 based on the teachings of Wilson primarily, and also based on the teachings of Brown and Baker. Applicant has carefully considered the examiner's application of these references and particularly the patent to Wilson. Rather than challenge the examiner's position, applicant has amended independent claim 1 to include limitations clearly not taught by Wilson or any of the other prior art of record in this case. Furthermore, new claims 22-27 have been provided which include this same unique limitation.

In particular, applicant notes that claim 1 has been amended to require that the entrance structure have an interior side and an exterior side, that the attractant dispensing mechanism be located on the interior side of the entrance structure and that the attractant circulation means be adapted to move attractant through the entrance structure from the interior side to the exterior side. This direction of attractant circulation is in direct contrast to the direction of circulation taught by Wilson and other known prior art.

In particular, Wilson logically orients its propeller (reference numeral 36 of figure 4) so that airflow occurs from outside of the trap, and through the entrance into the inside of the trap (see arrow 34 of figure 4). This arrangement is described in detail at column 20, lines 36-44. Thus, the pests captured by the Wilson device are essentially "sucked" into the trap by action of the propeller 36.

While such an arrangement seems logical, applicant's invention works on an opposite principle. Namely, applicant's trap is based on the principle that pests, and particularly flying insects, are capable of traveling upwind to seek out a source of an attractant. Thus, applicant orients its attractant circulation means, typically a fan, so that it pushes airborne attractant out of the entrance, rather than pushing air and pests into the entrance. Thus, with this invention as claimed by amended claim 1, the attractant is moved through the entrance from an interior side of the entrance to an exterior side of the entrance. Essentially, air is being blown out through the entrance of the trap of

amended claim 1.

Wilson teaches using a propeller 36 to push air into the entrance and into the trap. Certainly Wilson does teach an exit for this air after it enters the trap. However, this exit is holes in the enclosure which are specifically identified as being sufficient to preclude travel of the pests therethrough. Thus, these openings through which the air escapes in the system taught by Wilson cannot be considered to be "entrances" in that they do not facilitate pest entry.

This is not a trivial distinction lacking in real world significance. Rather, orienting the fan or other attractant circulation means to push air and airborne attractant out through the entrance, and trust that the pests, such as flying insects, will travel upstream and into the trap, is a different paradigm from traps which use fans to suck insects into the trap. Accordingly, applicant respectfully submits that claim 1 as amended is now in a form warranting allowable status. Claims 2, 4-8 and 21 depend from amended claim 1, either directly or through intervening claims. Accordingly, these claims benefit from the amendments made to claim 1 described in detail above. Accordingly, claims 2 and 4-8 and 21 should now also be in a form warranting allowable status.

Applicant has provided new claims 22-27 for the examiner's kind consideration. Applicant notes that claim 22 includes the same unique feature that the fan be adapted to move airborne attractant out of the catch chamber and through the entrance, and defining the same basic configuration where airborne attractant is pushed out of the entrance by the fan, rather than utilizing a fan to suck insects in through the entrance. New claims 23-27 depend from claim 22 and include further unique limitations. Applicant respectfully submits that new claims 22-27 are patentably distinct from the prior art of record in this case, such that they also warrant allowable status.

In view of the foregoing, it is respectfully requested that the examiner pass this case to issue. If, upon consideration, the examiner believes further issues remain outstanding or new ones have been generated, the undersigned requests that the

examiner call the undersigned to set up a personal or telephone interview with the undersigned to resolve any such remaining issues.

Respectfully Submitted:



Bradley P. Heisler
Applicant's Attorney
Telephone (916) 781-6634
Registration No.: 35,892



Date